

**THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NIKKI DEANN GRAHAM,

Defendant.

**CR-18-71-GF-BMM**

**ORDER**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on February 21, 2023. (Doc. 46.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on February 21, 2023. (Doc. 42.) The United States accused Nikki Deann Graham (Graham) of violating her conditions of supervised release 1) by using methamphetamine; and 2) by making her sweat patch ineffective; 3) by using heroin; 4) by possessing

methamphetamine; 5) by committing another crime; and 6) by knowingly associating with a person engaged in criminal activity. (Doc. 37.)

At the revocation hearing, Graham admitted to violating the conditions of her supervised release 1) by using methamphetamine; and 2) by making her sweat patch ineffective; 3) by using heroin; 4) by possessing methamphetamine; 5) by committing another crime; and 6) by knowingly associating with a person engaged in criminal activity. Judge Johnston found that the violations proved to be serious and warranted revocation, and recommended that Graham receive a custodial sentence of time served, with 28 months of supervised release to follow. (Doc. 46.) Graham was advised of her right to appeal and her right to allocute before the undersigned. She waived those rights. (Doc. 46.) The violations prove serious and warrants revocation of Graham's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 46) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant Nikki Deann Graham be sentenced to the custody of the United States Bureau of Prisons for time served, with 28 months of supervised release to follow.

DATED this 23rd day of February, 2023.

A handwritten signature in blue ink that reads "Brian Morris". The signature is fluid and cursive, with a horizontal line extending from the end of the name.

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Brian Morris, Chief District Judge  
United States District Court





